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3764

PTO/SB/31 (08-04)  
Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on 12/6/04

Signature

Typed or printed name William E. JamesIn re Application of  
William E. JamesApplication Number  
09/674996Filed  
11/02/2000Automatic Variable Stride  
For Walk-Run-Stepper Pedal ExerciserArt Unit  
3764Examiner  
T. M. Nguyen

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 340.00 Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:\$ 170.00 A check in the amount of the fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ I have enclosed a duplicate copy of this sheet. A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

 applicant/inventor. assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96) attorney or agent of record.Registration number -----  
Signature

William E. James

Typed or printed name

864-987-0327

Telephone number

 attorney or agent acting under 37 CFR 1.34.Registration number if acting under 37 CFR 1.34. -----

12/06/2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below.

 \*Total of 3 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

12/13/2004 HAL111 00000044 09674996

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O P E S C A  
DEC 10 2004  
PATENT & TRADEMARK OFFICE

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$170.00)

### Complete if Known

Application Number	09/674996
Filing Date	11/02/2000
First Named Inventor	William E. James
Examiner Name	T. M. Nguyen
Art Unit	3764
Attorney Docket No.	-----

### METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number	_____
Deposit Account Name	_____

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	_____
1002 350	2002 175	Design filing fee	_____
1003 550	2003 275	Plant filing fee	_____
1004 790	2004 395	Reissue filing fee	_____
1005 160	2005 80	Provisional filing fee	_____
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>170</b>

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Fee from Extra Claims below	Fee Paid
Total Claims	_____	-20** = _____	X _____ = _____
Independent Claims	_____	-3** = _____	X _____ = _____
Multiple Dependent	_____	_____	= _____

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$)</b>

\*or number previously paid, if greater; For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	_____
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	_____
1053 130	1053 130	Non-English specification	_____
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	_____
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	_____
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	_____
1251 110	2251 55	Extension for reply within first month	_____
1252 430	2252 215	Extension for reply within second month	_____
1253 980	2253 490	Extension for reply within third month	_____
1254 1,530	2254 765	Extension for reply within fourth month	_____
1255 2,080	2255 1,040	Extension for reply within fifth month	_____
1401 340	2401 170	Notice of Appeal	170
1402 340	2402 170	Filing a brief in support of an appeal	_____
1403 300	2403 150	Request for oral hearing	_____
1451 1,510	1451 1,510	Petition to institute a public use proceeding	_____
1452 110	2452 55	Petition to revive - unavoidable	_____
1453 1,370	2453 685	Petition to revive - unintentional	_____
1501 1,370	2501 685	Utility issue fee (or reissue)	_____
1502 490	2502 245	Design issue fee	_____
1503 660	2503 330	Plant issue fee	_____
1460 130	1460 130	Petitions to the Commissioner	_____
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	_____
1806 180	1806 180	Submission of Information Disclosure Stmt	_____
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	_____
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	_____
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	_____
1801 790	2801 395	Request for Continued Examination (RCE)	_____
1802 900	1802 900	Request for expedited examination of a design application	_____
Other fee (specify) _____		<b>(\$)</b>	<b>170</b>

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** **170**

(Complete if applicable)

### SUBMITTED BY

Name (Print/Type)	William E. James	Registration No. (Attorney/Agent)	-----	Telephone	864-987-0327
Signature	<i>William E. James</i>			Date	12/6/04

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PTO/SB/21 (05-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	3	Application Number	09/674996
		Filing Date	11/02/2000
		First Named Inventor	William E. James
		Art Unit	3764
		Examiner Name	T. M. Nguyen

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Check for \$170.00 attached - Fee

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	William E. James
Signature	
Date	12/6/04

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	William E. James		
Signature		Date	12/6/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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